Customer No.: 31561
Docket No.: 12847-US-PA
Application No.: 10/711,670

REMARKS

Claims 1-2, 4-8, and 10-17 are pending of which claims 1 and 2 have been amended without prejudice or disclaimer in order to more explicitly describe the claimed invention. Moreover, applicants respectfully traverse the Examiner's rejection based the following arguments. Furthermore, applicants respectfully submit that claims 1-2, 4-8, and 10-17 patently define over prior art of record and reconsideration of this application is respectfully requested.

Discussion of rejection to claims under 35 U.S.C. 112

Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In claim 1, several terms lack clear antecedent. For example, "the loud speaker," "the first microphone" and "the second microphone" have never specified before.

In response thereto, applicants appreciate the Examiner points out informalities occurred in claim 1. Thus, the claim 1 is so amended to overcome the terms' informalities as pointed out by the Examiner.

Discussion of rejection to claims under 35 U.S.C. 103(a)

Claims 1, 2, 5-8 and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baumhauer (US005121426A) in view of Ryan (US007123735B2).

In response thereto, applicant respectfully traverses the rejection based on the following arguments.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine references teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teachings or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438(Fed. Cir.1991).

From Fig.13, in Baumhauer, loudspeaker 131 and four microphone housing 110-1, -2, -3, -4 are aimed upwardly (see col.7, lines 54-55). In other words, in Baumhauer, a direction in which the loudspeaker outputs far-end audio signal **is the same as** a predetermined direction in which the microphone faces for receiving near-end audio signal. Fig.9 in Ryan discloses a telephone with the direction of a loudspeaker is

opposite the direction of a microphone's outputting audio signal. Thus, if the loundspeaker and microphone of Baumhauer are modified the telephone as taught by Ryan, referring Figs. 13, 17, either microphones 110-1, 110-2, 110-3, 110-4 or a loudspeaker 131 is reversely disposed. As a result, if microphones 110-1, 110-2, 110-3, 110-4 are reversely disposed, the rear of the microphones face a user so that the microphones cannot receive audio signals from the user.

Alternatively, if the loudspeaker 131 is reversely disposed, from Figs. 13, 17, far-end audio signals output from the loudspeaker 131 are confined in the bottom of the teleconferencing unit 130 or telephone adjunct 171 so that the user cannot clearly receive the far-end audio signals. In other words, due to telephone configuration as shown in Baumhauer, if Baumhauer is modified with Ryan, telephone functionality of Baumhauer deteriorates, and even cannot work. Hence, this combination cannot achieve a reasonable expectation of success. Hence, amended claim 1 is not rendered obvious because a prima facie case of obviousness is not well established, and thus patentable.

Independent claims 8 and 14 are also patentable by using the same arguments as applied to claim 1.

Regarding dependent claims 2, 5-7, 11-13, 15-17, they should patentable as a matter pf law for the reason they contain their respective patentable base claims 1, 8 and 14.

Claims 4 and 10 *are rejected under 35 U.S.C. 103(a) as being unpatentable over Baumhauer and Ryan applied to claims 1 and 8, and further in view of Miller (US 51029215).*

Likewise, claims 4 and 10 are dependent claims, they should patentable as a matter of law for the reason they contain their respective patentable base claims 1 and 8.

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CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-2, 4-8, and 10-17 are in proper condition for allowance and an action to such effect is earnestly solicited. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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